

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA and  
THE STATE OF TEXAS  
ex rel. KIM MARLOWE PORTER, JAMES  
MURRAY, and LISSETTE GUY,

CIVIL NO. 05-73823

HON. NANCY G. EDMUNDS

MAGISTRATE JUDGE PAUL J. KOMIVES

Plaintiffs-Relators,

vs.

VPA, P.C., et al,

Defendants.

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**JOINT STIPULATION OF DISMISSAL**

COMES NOW the United States of America, the Relators, Kim Marlow Porter, James Murray, and Lissette Guy, and Defendant, VPA, P.C. ("VPA"), (together referred to herein as the "Parties"), by and through their respective, undersigned counsel, and respectfully file this Joint Stipulation of Dismissal pursuant to Fed. R. Civ. P. 41(a), Title 31 U.S.C. §3730(b)(1), and in accordance with the terms and conditions of the Settlement Agreement entered into on November 13, 2009 among, *inter alia*, the Parties. The Parties hereby stipulate as follows:

1. The Parties have executed a written Settlement Agreement, in compromise and settlement of the United States', and the Relators' claims against Defendant VPA for the Covered Conduct as defined in the Settlement Agreement. This Stipulation of Dismissal is consistent with and subject to the terms of the Settlement Agreement.

2. The Relators agree that the amount and terms of the settlement are fair, adequate and reasonable pursuant to 31 U.S.C. § 3730(c)(2)(B).

3. Accordingly, the United States and the Relators request that, pursuant to Fed. R. Civ. P. 41(a) and 31 U.S.C. § 3730(b)(1), all of the claims set forth in the Complaint for the Covered Conduct be dismissed with prejudice as to the United States, and without prejudice as to the State of Texas, and all other claims in the Complaint be dismissed without prejudice as to the United States and the State of Texas. Further, Relators request that all of the claims set forth in the Complaint be dismissed with prejudice as to the Relators, with the exception of Relators' claim pursuant to 31 U.S.C. § 3730(d) for compensation from VPA for expenses or attorney's fees and costs.<sup>1</sup>

4. The Parties request that the Court retain jurisdiction to enforce the terms of the Settlement Agreement.

5. All parties shall bear their own fees, costs, and expenses, except that Relators reserve their right under 31 U.S.C. § 3730(d) to seek compensation from VPA for expenses or

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<sup>1</sup>The dismissal of claims set forth herein includes claims against the entities and individuals named in the Complaint as follows: Titan Holdings II LLC, Titan Air LLC, Challenger Plaza LLC, VPA Woundcare P.C., Visiting Physicians Association, VPA Diagnostics, Seniors First Medical Center, A Visiting Physician, Valley Medical Services LLC, Flight 180 LLC, Mitchell Group Holdings LLC, U.S. Medical Management Acquisition LLC, U.S. Medical Management Inc., Senior Care of America LLC, Kurt Mitchell, Mark Mitchell, Robert Sowislo, Jeffrey S. Silverman Esq., Erlinda B. Del Pilar, M.D., Florella S. Itchon, M.D., and Family Nurse Care.

attorney's fees and costs in connection with this action.

Respectfully submitted,

**DATED:** December 15, 2009

/s/Susan C. Lynch, with consent  
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**DATED:** December 15, 2009

/s/Carolyn Bell Harbin  
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Attorneys for the United States of America

DATED: December 16, 2009

/s/Brian P. Kenney, with consent

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DATED: December 21, 2009

/s/Patricia A. Stamler, with consent

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DATED: December 15, 2009

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**ORDER OF DISMISSAL**

The Court having considered the Stipulation of Dismissal filed by the United States of America, and the Relators, Kim Marlow Porter, James Murray, and Lissette Guy, it is hereby ORDERED that:

1. the Parties having agreed to a settlement of this matter, the Court finds that it is fair, adequate, and reasonable pursuant to 31 U.S.C. § 3730(c)(2)(B) and (b)(1);

2. all of the claims set forth in the Complaint are dismissed with prejudice as to the Relators, except that Relators may seek compensation from VPA for expenses or attorney's fees and costs in connection with this action, pursuant to 31 U.S.C. § 3730(d);

3. all of the claims in the Complaint for the Covered Conduct are dismissed with prejudice as to the United States, and without prejudice as to the State of Texas, and all other claims in the Complaint are dismissed without prejudice as to the United States and the State of Texas;

4. the Court shall retain jurisdiction to enforce the terms of the Settlement Agreement;
5. all parties shall bear their own fees, costs, and expenses, except that Relators may seek compensation from VPA for expenses or attorney's fees and costs in connection with this action, pursuant to 31 U.S.C. § 3730(d).

s/Nancy G. Edmunds  
Nancy G. Edmunds  
United States District Judge

Dated: December 21, 2009

I hereby certify that a copy of the foregoing document was served upon counsel of record on December 21, 2009, by electronic and/or ordinary mail.

s/Carol A. Hemeyer  
Case Manager